

AMENDED IN SENATE APRIL 28, 2015

AMENDED IN SENATE APRIL 21, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 271

Introduced by Senator Gaines

February 19, 2015

An act to add Section 626.12 to the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as amended, Gaines. Unmanned aircraft systems.

Existing law makes it a crime to possess a firearm within 1,000 feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive. Existing law also makes it a crime to possess specified knives or blades on the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.

This bill would make it an infraction to operate an unmanned aircraft system on or above the grounds of a public school providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would also make it an infraction to use an unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would define school hours for its purposes as during any school session, extracurricular activity, or event sponsored by or participated

in by the school, and the one-hour periods immediately preceding and following any session, activity, or event. The bill would provide for a warning for a first violation, ~~a fine of no more than \$50 for the 2nd violation of its provisions,~~ *violation* and a fine of no more than \$200 for each subsequent violation. The bill would exempt from its provisions any publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, or other periodical publication, *a radio or television station*, or by a press association or wire service, unless the principal or the principal's designee has requested that the person cease the operation of the unmanned aircraft system on the basis that the operation of the unmanned aircraft system would be disruptive of, or interfere with, classes of the public school program. The bill would also exempt law enforcement from its provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 626.12 is added to the Penal Code, to
- 2 read:
- 3 626.12. (a) Unless authorized by federal law, it shall be an
- 4 infraction to operate an unmanned aircraft system on or above the
- 5 grounds of a public school providing instruction in kindergarten
- 6 or grades 1 to 12, inclusive, during school hours and without the
- 7 written permission of the school principal or higher authority, or
- 8 his or her designee, or equivalent school authority.
- 9 (b) Unless authorized by federal law, it shall be an infraction
- 10 to use an unmanned aircraft system to capture images of public
- 11 school grounds providing instruction in kindergarten or grades 1
- 12 to 12, inclusive, during school hours and without the written
- 13 permission of the school principal or higher authority, or his or
- 14 her designee, or equivalent school authority.
- 15 (c) A violation of this section shall be punished as follows:
- 16 (1) ~~A Upon a first conviction, a warning shall be given upon a~~
- 17 ~~first violation of this section.~~ *given.*

1 (2) Upon a second *and any subsequent* conviction under this
2 section, a fine of no more than ~~five hundred dollars (\$500)~~ *two hundred*
3 *dollars (\$200)*.

4 ~~(3) Upon a third and any subsequent conviction under this~~
5 ~~section, a fine of no more than two hundred dollars (\$200).~~

6 (d) For the purposes of this section, “unmanned aircraft system”
7 means an unmanned aircraft and associated elements, including
8 communication links and the components that control the
9 unmanned aircraft, that are required for the pilot in command to
10 operate safely and efficiently in the national airspace system.

11 (e) For the purposes of this ~~section~~ *section*, “school hours”
12 means during any school session, extracurricular activity, or event
13 sponsored by or participated in by the school, and the one-hour
14 periods immediately preceding and following any session, activity,
15 or event.

16 (f) This section shall not apply to a publisher, editor, reporter,
17 or other person connected with or employed by a newspaper,
18 magazine, or other periodical publication, *or by a radio or*
19 *television station*, or by a press association or wire service, or any
20 person who has been so connected or employed unless a request
21 that the person cease using an unmanned aircraft system at a public
22 school building or public school grounds is made by the principal,
23 or the designee of the principal, on the basis that the continued
24 presence of the unmanned aircraft system used by the person would
25 be disruptive of, or would interfere with, classes or other activities
26 of the public school program.

27 (g) This section shall not apply to the operation of an unmanned
28 aircraft system by law enforcement.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.